

tion. Alternatively, the director may require any user to propose such procedures and/or facilities, which proposals shall be submitted to the director for review, with such supporting plans, specifications, data, explanations, or other matters as may reasonably be required by the director in order to ascertain the effectiveness of the procedures and/or facilities proposed. The director may require such revisions, amendments, modifications, or other changes to such proposals, or approve or reject the same, as the director deems reasonably necessary or appropriate in order that such proposals insure protection against accidental or unauthorized discharge. (Code 1961, § 22A.28; Ord. No. 566, § 1, 11-10-75)

Sec. 21-125. Public information.

(a) All information and data furnished by, or regarding the operations of, a user obtained from reports, questionnaires, permit applications, permits, monitoring programs, inspections, or from other sources provided or required under the provisions of this article shall be available to the public or other governmental agencies without restriction unless the user requests in writing that such information be maintained confidential, and establishes to the satisfaction of the director that the disclosure of the information to other persons would result in unfair competitive disadvantage to the user; provided, however, that in no event shall wastewater constituents, characteristics, or volumes be deemed confidential information.

(b) Notwithstanding the foregoing, information approved by the director as confidential shall be available for use by the city, the authority, the state, the federal government, or any agency of said entities, in connection with enforcement proceedings, or any judicial proceedings to which the user is a party. Subject to the foregoing, information accepted by the director as confidential shall not be transmitted to any governmental agency, or to the general public by the director until and unless prior written notification is given to the user. (Code 1961, § 22A.29; Ord. No. 566, § 1, 11-10-75)

Sec. 21-126. Special agreements.

The provisions of this article shall not be deemed a limitation upon the city or authority

to enter into agreements, and to recover costs relating thereto, with any user relating to treatment, pretreatment, or other matters in furtherance of the provisions of this article and the purposes thereof, and not inconsistent therewith, when unique, unusual, or extraordinary circumstances require such special agreements; provided, however, that no such agreement shall authorize an extension of the final dates for compliance with required federal standards nor waive such standards. (Code 1961, § 22A.30; Ord. No. 566, § 1, 11-10-75; Ord. No. 715, § 5, 1-10-84)

Secs. 21-127—21-132. Reserved.

DIVISION 3. ENFORCEMENT

Sec. 21-133. Responsibility.

The primary responsibility for enforcement of the provisions of this article shall be vested in the director; provided, however, that the director shall be, and is hereby, authorized and empowered to delegate his authority hereunder to such officers, employees, or agents of the city or the authority as he shall designate; and, provided further, that field inspectors or other employees of the authority, upon written certification thereof from the authority to the director, are hereby authorized to act as enforcement agents of the city for and on behalf of the director with power to inspect and issue notices for violations of the provisions of this article. Notwithstanding the foregoing, all actual prosecutions for violations of any of the provisions of this article (including, without limitation, levying of fines, determination of service, revocation of permits, and civil and criminal court actions) shall be the exclusive responsibility of the city. (Code 1961, § 22A.34; Ord. No. 566, § 1, 11-10-75)

Sec. 21-134. Unauthorized discharges.

(a) *Notification.* Every user shall notify the director immediately upon discharging wastes or wastewater in violation of the provisions of this article, or any permit issued pursuant to this article. A user who discharges, causes to be discharged, or permits to be discharged such wastes or wastewater shall, within fifteen (15) days of the occurrence thereof, submit a written report to the director

describing the cause or causes of such unauthorized discharge, the measures taken, or proposed to be taken, to prevent future similar occurrences. Such report shall not relieve any user of liability for any expense,

loss, or damage suffered or incurred by the city or the authority, directly or indirectly, by reason of such unauthorized discharge. Such report shall not relieve or absolve any person from civil liabilities, or imposition of civil or criminal penalties in any manner whatsoever.

(b) *Notices to employees.* Every non-domestic user, every user issued a mandatory wastewater discharge permit pursuant to section 21-114 and every user issued an optional wastewater discharge permit pursuant to section 21-115 shall prominently post a notice on the user's premises advising of the requirement to notify the director of any unauthorized discharge, including the telephone number of the director to be called in the event of such discharge. The director may require any user to inform and advise his officers, agents, and employees of any particular provisions of this article, any permit issued pursuant to this article, or other requirements of law, or of any other information which may be of assistance in insuring compliance with said article, permit, or other requirements of law. (Code 1961, § 22A.35; Ord. No. 566, § 1, 11-10-75)

Sec. 21-135. Cease and desist orders.

Upon a determination by the director that a discharge of waste or wastewater has occurred, or is occurring, or is about to occur, in violation of any provision of this article, or of any provision of any permit issued pursuant to this article, the director may issue an order to cease and desist such discharge, or practice, or operation likely to cause such discharge, and further order such person to:

- (1) Comply forthwith with the provisions of this article, or the provisions of any permit issued pursuant to this article;
- (2) Comply in accordance with a time schedule established by the director; and/or
- (3) Take appropriate remedial or preventative action. (Code 1961, § 22A.36; Ord. No. 566, § 1, 11-10-75)

Sec. 21-136. Time schedules.

Upon a determination by the director that a discharge of waste or wastewater has oc-

curred, or is occurring, or is about to occur in violation of the provisions of this article, or in violation of any provision of a permit issued pursuant to this article, the director may require the person or user having so discharged, or discharging, or about to discharge, to submit for approval subject to such modifications, terms and conditions as the director reasonably deems necessary or appropriate, a detailed time schedule of specific actions which the person or user shall take in order to eliminate or prevent such violation. (Code 1961, § 22A.37; Ord. No. 566, § 1, 11-10-75)

Sec. 21-137. Emergency corrections.

(a) In the event repairs, construction, or other public work is performed on any premises pursuant to any provision of law relating to the emergency performance of public work and the expenditure of public funds therefor, or pursuant to any other provision of law authorizing public work on private property in order to correct, eliminate or abate a condition upon such premises which threatens to cause, causes, or caused damage to the sewerage facilities, or which otherwise threatens to cause, causes, or caused a violation of any provision of this article, or of any permit issued pursuant to this article, or of any other requirement of law, the user responsible for the occurrence or condition giving rise to such work, the occupant and the owner of the premises shall be liable, jointly and severally, to the city and/or the authority for such public expenditures.

(b) If such user, occupant, or owner, shall fail to pay the full amount of such public expenditures within thirty (30) days after billing therefor, the city council may, by order entered upon its minutes, declare that such amount and the administrative expenses incurred by the city and/or authority incident to such expenditures, shall be transmitted to the county assessor and county tax collector by copy of the order so providing, certified by the city clerk. Upon making such order, the unpaid amount shall constitute a lien upon the premises, and the amount thereof shall be added to the next succeeding tax bill against such property, and shall be collectible at the same time and in the same manner as

general municipal taxes are collected, and shall be subject to the same penalties and procedure in case of delinquency. (Code 1961, § 22A.38; Ord. No. 566, § 1, 11-10-75)

Sec. 21-138. Damages to sewerage facilities.

(a) In the event damages are caused to the sewerage facilities, or any portion thereof, by reason of a waste or wastewater discharge from any premises in violation of the provisions of this article, or of any permit issued pursuant to this article, or of any other requirement of law, the user responsible for the occurrence or condition giving rise to such damages, the occupant, and the owner of the premises shall be liable, jointly and severally, to the city, and/or the authority for the full amount thereof.

(b) If such user, occupant, or owner shall fail to pay the full amount of such damages within thirty (30) days of billing therefor, the city council may, by order entered upon its minutes, declare that such amount and the administrative expenses incurred by the city and/or the authority incident to such damages, shall be transmitted to the county assessor and county tax collector by copy of the order so providing, certified by the city clerk. Upon making such order, the unpaid amount shall constitute a lien upon the premises, and the amount thereof shall be added to the next succeeding tax bill against such property, and shall be collectible in the same manner as general municipal taxes are collected, and shall be subject to the same penalties and procedures in case of delinquency. (Code 1961, § 22A.39; Ord. No. 566, § 1, 11-10-75)

Sec. 21-139. Termination of service.

(a) Subject to the provisions of this section, the city may terminate sanitary sewerage services to any premises from which wastes or wastewater have been discharged, are being discharged, or are threatened to be discharged in violation of any provision of this article, or of any permit issued pursuant to this article, or of any other requirement of law. Notification of intention to terminate service shall be given by the director to the user or person found by the director to be in violation of said provision or requirement,

which notice shall state the time, date and place hearing shall be held by the city council upon the question of termination, which date shall be not less than ten (10) days after giving such notice. If the person so found to be in violation is not the owner or occupant of the premises, such notice shall also be given to said occupant, and in all cases shall be given by mail to the owner of the premises at the address shown therefor on the last equalized assessment role in the office of the county assessor.

(b) Any owner of the premises, the user, or the person determined to be in violation of the provisions of this article, or of any permit issued pursuant to this article, or of any other requirement of law, the director, and such other persons as the council may deem appropriate, shall be heard at the hearing on the question of termination of service. If, upon completion of the hearing, the council finds that no violation of the provisions of this article, or of any other requirement of law, has occurred, the council shall order that service shall not be terminated to the premises. If, upon completion of the hearing, the council determines that such a violation has occurred, or is occurring, or is about to occur, the council may order that service shall be terminated, or may order that service shall be terminated within a specified period of time unless such violation, or the conditions or activities threatening such violation, cease forthwith, or within the specified period of time, or the council may make such other order as it deems appropriate under the circumstances and in furtherance of the purposes and intent of this article. (Code 1961, § 22A.40; Ord. No. 566, § 1, 11-10-75)

Sec. 21-140. Revocation of permits.

The director may revoke any permit issued pursuant to the provisions of this article upon a determination by him that:

- (1) The permittee has failed to report factually the wastewater constituents, characteristics, or volume of the permitted wastewater discharge;
- (2) The permittee has failed to report significant or substantial changes in the operations conducted upon the premises to which the permit pertains,

or significant or substantial changes in wastewater constituents, characteristics, or volumes pertaining to said premises; or

- (3) The permittee has refused, or failed to permit, reasonable access to the premises to which the permit pertains; or
- (4) The permittee has violated, caused to be violated, or permitted to be violated, any term, condition, or provision of the permit. (Code 1961, § 22A.41; Ord. No. 566, § 1, 11-10-75)

Sec. 21-141. Falsification of information.

It shall be unlawful for any person knowingly to make any false statement, representation, record, report, plan or other document filed with the director pursuant to the provisions of this article, or of any permit issued pursuant to this article, or who knowingly tampers with or otherwise renders inaccurate any monitoring device or equipment installed and operated pursuant to the provisions of this article, or of any permit issued pursuant to this article. (Code 1961, § 22A.42; Ord. No. 566, § 1, 11-10-75)

Sec. 21-142. Public nuisance.

Any discharge, or threatened discharge, or any condition which is in any manner in violation of the provisions of this article, or of any permit issued pursuant to this article or of any order or directive of the director authorized by this article, shall be, and the same is hereby declared to be unlawful and a public nuisance. Such nuisance may be abated, removed, or enjoined, and damages assessed therefor, in any manner provided by law. (Code 1961, § 22A.43; Ord. No. 566, § 1, 11-10-75)

Sec. 21-143. Remedies cumulative.

The remedies provided for in this article shall be cumulative and not exclusive, and shall be in addition to any or all other remedies available to the city. (Code 1961, § 22A.45; Ord. No. 566, § 1, 11-10-75)

Sec. 21-144. Appeals.

(a) Any user, permittee, applicant, or other person aggrieved by any decision, action,

finding, determination, order, or directive of the director, made or authorized pursuant to the provisions of this article, or any permit issued pursuant to this article, or interpreting or implementing the same, may file a written request with the director for reconsideration thereof within ten (10) days of such decision, action, finding, determination, or order, setting forth in detail the facts supporting such user's or person's request for reconsideration. The director shall render a final decision within ten (10) days of the receipt of such request for a reconsideration.

(b) Any user, permittee, applicant, or other person aggrieved by the final determination of the director may appeal such determination to the city council within ten (10) days of notification by the director of his final determination. Written notification of such appeal shall be filed with the city clerk within ten (10) days after notification of the final determination of the director, and shall set forth in detail the facts and reasons supporting the appeal. Hearing on the appeal shall be heard by the city council within thirty (30) days from the date of filing the notice of appeal. The appellant, the director, and such other persons as the council may deem appropriate, shall be heard at the hearing on such appeal. Upon conclusion of the hearing, the council may affirm, reverse or modify the final determination of the director as the council deems just and equitable, and in furtherance of the provisions, purposes and intent of this article. During the pendency of any such appeal, the final determination of the director shall remain in full force and effect. The council's determination on the appeal shall be final. (Code 1961, § 22A.46; Ord. No. 566, § 2, 11-10-75)

Secs. 21-145—21-150. Reserved.

DIVISION 4. PROHIBITIONS

Sec. 21-151. General.

No person shall, and it shall be unlawful to, discharge wastes into the sewerage facilities which cause, threaten to cause, or are capable of causing, either alone or by interaction with other substances: